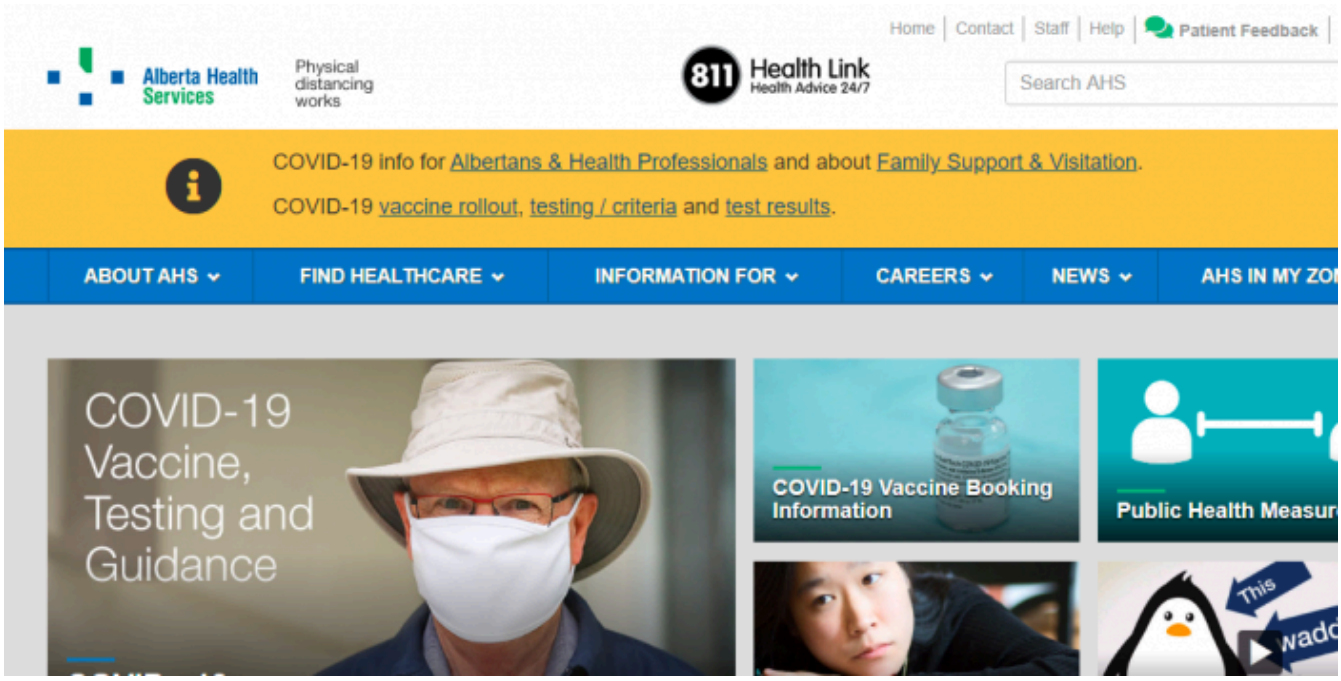
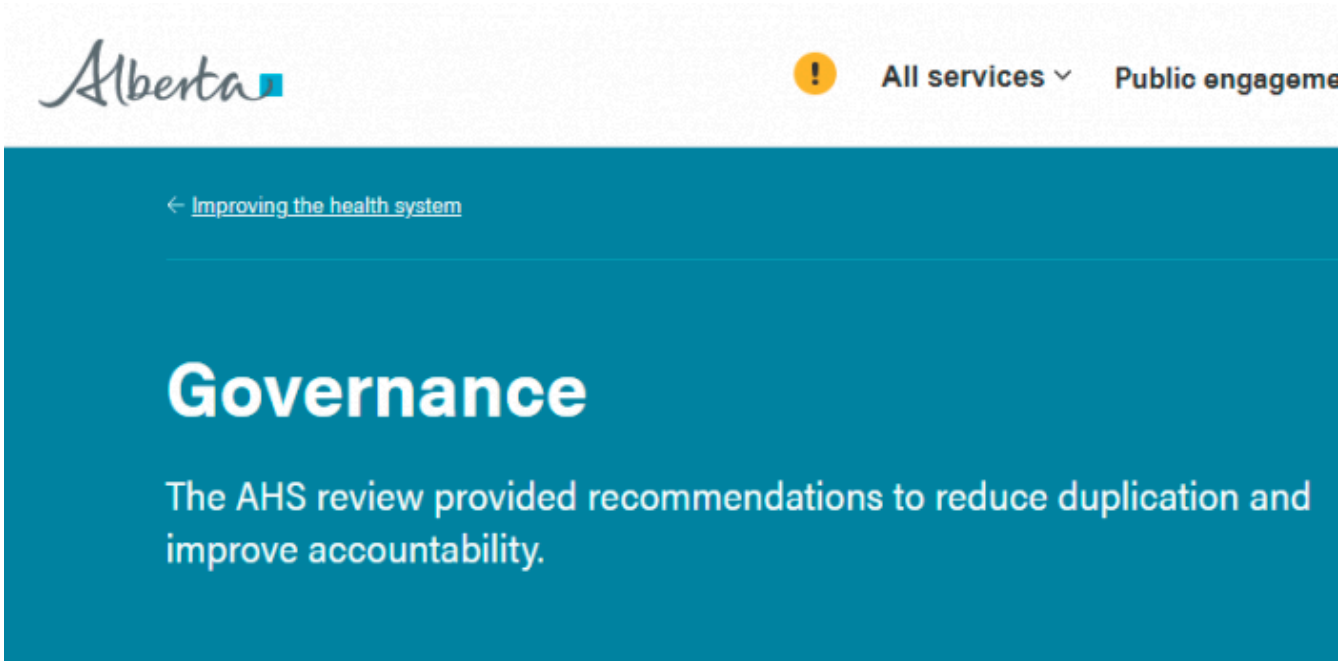
CANUCK LAW
Reporting That You're Not Getting Elsewhere (Do Your Own Research To Verify)

APRIL 20, 2021 BY RONNIE

Alberta Health Services: Mostly-Autonomous Corporation, Charity





Overview

Alberta Health Services (AHS) is the provincial health agency tasked with delivering health services to Albertans.

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Alberta Health is the government department that sets policy, legislation and standards for the health system in Alberta. It also:

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-allocates funding for and oversees AHS and many other health agencies and boards pays physicians

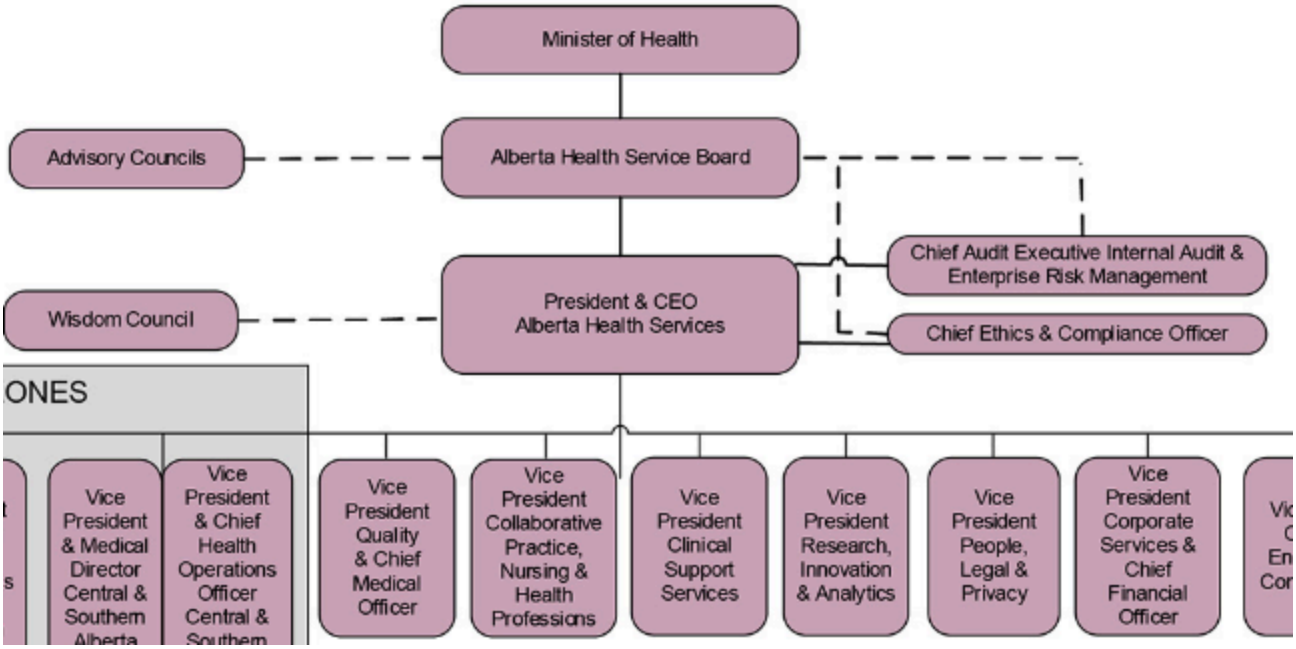
-is responsible for primary care

-protects Albertans from infectious diseases

-administers provincial programs such as the Alberta Health Care Insurance Plan

From the governance page, it appears that Alberta Health Services, and Alberta Health are in fact 2 different entities. The former more of day to day operations, and the later more involved in budgets and administration.

Alberta Health is a Ministry in the Executive Council of Alberta. By contrast, Alberta Health Services is a semi-autonomous organization that actually runs the care in the Province.


Minister of Health
Advisory Councils
Alberta Health Service Board
Chief Audit Executive Internal Audit & Enterprise Risk Management
President & CEO Alberta Health Services
Wisdom Council
Chief Ethics & Compliance Officer
ONES
Vice President & Medical Director Central & Southern Alberta
Vice President & Chief Health Operations Officer Central & Southern
Vice President Quality & Chief Medical Officer
Vice President Collaborative Practice, Nursing & Health Professions
Vice President Clinical Support Services
Vice President Research, Innovation & Analytics
Vice President People, Legal & Privacy
Vice President Corporate Services & Chief Financial Officer

From its 2017 governance chart, Alberta Health Services answers directly to the Ministry of Health, and then has power over other groups. However, the current Health Minister is Tyler Shandro, who has no background in health care, (much like Adrian Dix of B.C.).

A. ALBERTA HEALTH SERVICES MANDATE

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AHS is a corporate body consisting of ***members (Members), who are commonly referred to as the "Board".*** The Board governs AHS, overseeing the management of its business and affairs. In accordance with the AHS Amended General Bylaws and subject to legislation governing public agencies, the Board may recruit, direct, evaluate, determine the compensation of and, if required, dismiss a chief executive officer (CEO). The CEO is responsible for the general supervision over the business and affairs of AHS. The Board has a fiduciary duty to carry out its responsibilities ***for the benefit, and in the interests, of AHS***, within, and in accordance with, the applicable legislation.

Chief Medical Officer of Health (CMOH)
The CMOH is appointed by the Minister under the

Public Health Act, which is paramount to all other provincial legislation ***with the exception of the Alberta Bill of Rights***

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There is also that “minor” detail that the Alberta Bill of Rights tops everything, including the Public Health Act, but that routinely gets ignored.

From its mandate letter, Alberta Health Services is subject to both the Public Agencies Governance Act, (PAGA), and the Regional Health Authorities Act, (RHAA).

AHS is structured as a corporate body. When it refers to “Members”, it means Board Members, not the tens of thousands of employees involved in health care.

An observation: the Board has an obligation to carry out its responsibilities for the benefit and interest of AHS. It doesn’t specify for the benefit and interest of the public. An oversight?

> [By-Laws]
> ARTICLE 12
> PROTECTION OF MEMBERS, SENIOR EXECUTIVES AND OTHERS
> 12.1 LIMITATION OF LIABILITY
> Each ***Member, Official Administrator, Senior Executive, or Employee, acting in good faith and with a view to the best interests of AHS, shall not be liable for, and is hereby released from***:
> (a) the acts, neglects or defaults of any other Member, Official Administrator, Senior Executive or Employee;
> (b) any loss, damage or expense happening through the insufficiency or deficiency of title to any property acquired;
> (c) the insufficiency or deficiency of any security in or upon which any of the monies shall be invested;
> (d) any ***loss, damage or expense arising from the bankruptcy, insolvency or tortious***

act of any person with whom any of the monies, securities or effects shall be deposited;

(e) any loss occasioned by any ***error of judgment or oversight on his or her part***; and

(f) ***any other loss, damage or misfortune*** whatever which shall happen in the execution of the duties of his or her office or in relation thereto.

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12.2 INDEMNITY

(a) To the greatest extent permitted by law including s. 2.5(1) of the Regional Health Authorities Regulation, ***a Member, Official Administrator, Senior Executive, Employee, a former Member, Senior Executive, or Employee, or a person who, at the Board's request, acts or act as a director, officer, or employee of a body corporate in which the Board is or was a shareholder or creditor, shall be indemnified against all costs, charges, and expenses including an amount paid to settle an action or satisfy a judgment if reasonably incurred by him or her in respect of any civil, criminal, or administrative action or proceeding*** to which he or she is made a party by reason of being or having been a Member, Official Administrator, Senior Executive, or Employee, or director, officer, or employee of such body corporate, if:

(i) he or she acted honestly and in good faith with a view to the ***best interests of AHS***; and

(ii) in the case of a ***criminal or administrative action or proceeding that is enforced by a monetary penalty, he or she had reasonable grounds for believing that such conduct was lawful***.

(b) If a court order is required to provide the indemnity in Article 12.2(a), ***AHS shall proceed in good faith to obtain that order***.

(c) The indemnity provided for in Article 12.2(a) shall be deemed to have been in effect from the date AHS or its legal predecessors were established unless a later date is stated in the indemnity.

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12.4 APPLICATION

The indemnity provided in Article 12.2 shall:

(a) ***not operate in limitation of any other indemnity*** which is otherwise available;

(b) apply notwithstanding the fact that the person having the benefit of the indemnity ***may serve or has served in any other capacity***; and

(c) not be included, for the purposes of any supplemental bylaw dealing with debt obligations, guarantees, indemnity obligations, and capital leases, in the calculation of outstanding debt obligations, guarantee obligations, indemnity obligations, and capital lease obligations.

In its By-Laws, Alberta Health Services explicitly indemnifies (gives legal protection to) all employees, administration and board members for any action they do.

It also states that if necessary, AHS will go to court to obtain such indemnification.

We know that “vaccine” manufacturers are indemnified against liability. These By-Laws would also provide legal protection to doctors, nurses, or others who end up recommending them and/or injecting them. Just a reminder: interim authorization is not the same thing as approval.

Additionally, there’s an interesting clarification here. The indemnification will apply if the person act in the “best interests of AHS”. It doesn’t say they’ll be indemnified for acting in the best interests of the public. Poor wording, or is there something else?

The By-Laws also states that employees and the bosses will be indemnified even if they serve in another capacity. True, there is a conflict-of-interest declaration. However, in theory, the protections would apply even in those cases.

Article 8.6 states that only members, or specifically authorized people, may address the Board in meetings. So it isn’t really a place for genuine public input.

Regarding the Alberta Public Health Act: know that the current version was heavily based on Bill C-12, the 2005 Quarantine Act. That was derived on the 3rd Edition of the International Health Regulations, which are legally binding. PHAC, the Public Health Agency of Canada, is effectively an extension of the World Health Organization.

AHS is a mostly autonomous corporation delivering health care. The Chief Medical Officer (Deena Hinshaw) is not accountable to the public. Current laws were written by a Supra-National Body. You get it now?

Update To The Article

Government of Canada
Gouvernement du Canada
Home » Canada Revenue Agency » Charities and Giving » Search » T3010 Registered Charity Information Return
Resources
Online services
Forms and publications
A to Z index
Enquiries
Alberta Health Services — Quick View
Charity's detail page
Registration no.: 124072513 RR 0010
Charity status: Registered
Effective date of status: 1994-06-24
Designation: Charitable organization
Website: WWW.ALBERTAHEALTHSERVICES.CA

Alberta Health Services is actually a registered charity with the Canada Revenue Agency. In the last year, it took in some $15.3 billion, mainly from the Alberta Government

Receipted donations $138,000.00 (0.00%)
Non-receipted donations $0.00 (0.00%)
Gifts from other registered charities $34,990,000.00 (0.23%)
Government funding $14,364,265,000.00 (93.67%)
All other revenue $936,343,000.00 (6.11%)
Total revenue: $15,335,736,000.00

Charitable programs $15,038,842,000.00 (97.10%)
Management and administration $448,398,000.00 (2.90%)
Fundraising $0.00 (0.00%)
Gifts to other registered charities and qualified donees $0.00 (0.00%)
Other $0.00 (0.00%)
Total expenses: $15,487,240,000.00

Total compensation for all positions: $7,824,089,000.00
Full-time employees: 50,899
Part-time employees: 65,004

Professional and consulting fees: $23,812,000.00

Compensated full-time positions $350,000 and over: 10

IMPORTANT LINKS

Alberta Announces (2008) Creation of Alberta Health Services

https://archive.is/ZLzN8

https://www.albertahealthservices.ca/about/about.aspx

https://www.albertahealthservices.ca/assets/about/publications/ahs-ar-2017/governance.html

https://www.alberta.ca/governance.aspx

https://archive.is/rssLM

https://www.alberta.ca/ministries.aspx

https://extranet.ahsnet.ca/teams/policydocuments/1/clp-ahs-mandate-roles.pdf

Alberta Health Services – Mandate And Role

Alberta Health Services – Bylaws And Rules

Alberta Health Services – Delegation And Authority

https://www.qp.alberta.ca/documents/Acts/A31P5.pdf

Alberta Public Agencies Governance Act

https://www.qp.alberta.ca/documents/Acts/R10.pdf

Alberta Regional Health Authorities Act

PREVIOUS CANUCK LAW POSTS

(1) WHO International Health Regulations Legally Binding

(2) A Look At International Health Regulation Statements

(3) Quarantine Act Actually Written By WHO, IHR Changes

(4) Provincial Health Acts Domestic Implementation Of WHO-IHR, Part I

(5) Provincial Health Acts Domestic Implementation Of WHO-IHR, Part II

(6) World Health Treaty Proposed, Based On WHO-IHR

(A) Public Health Agency Of Canada Created As UN Outpost

(B) BC Provincial Health Services Authority A Private Corporation

CANADA, CORPORATE, GLOBALISM, HEALTH, PROCEDURAL